

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 8, 1986

ALL-COUNTY LETTER NO. 86-60

TO: ALL COUNTY WELFARE DEPARTMENT DIRECTORS  
ALL COUNTY COUNSELS

SUBJECT: HANSEN v. McMAHON - EMERGENCY SHELTER CARE FOR FAMILIES

REFERENCE:

Hansen v. McMahon, a class action lawsuit, has been filed against the State Department of Social Services. The suit alleges that the Department has an obligation under the child welfare services statutes (Welfare and Institutions Code Sections 16500 et seq.) to provide emergency shelter care to homeless families with children regardless of whether the child has been removed from the family. The suit challenges Departmental regulations which provide for emergency shelter care only to children removed from their parent(s).

On May 23, 1986, Judge Dowds of the Los Angeles Superior Court issued a preliminary injunction. A copy of the injunction is attached for your information and review. The injunction requires that emergency shelter care be provided to homeless families with children. The Department has appealed the issuance of the injunction. A motion for clarification of the injunction was heard by the court on June 11, 1986. However, Judge Dowds declined to rule on the motion.

The Department is taking the position that the injunction is mandatory, and therefore is stayed pending appeal. County welfare departments are not required to take any action regarding the injunction until further instructed by the Department.

We will keep you informed as further developments in the lawsuit occur. If you have any questions regarding this matter, please contact Mr. Ritch Hemstreet, Family and Children's Services Policy Bureau at (916) 322-6333.

A handwritten signature in cursive script, reading "Loren D. Suter".

LOREN D. SUTER  
Deputy Director  
Adult and Family Services Division

Helped  
and  
5/20/86  
JBano

ROBERT D. NEWMAN  
MELINDA R. BIRD  
RICHARD A. ROTHSCHILD  
WESTERN CENTER ON LAW AND POVERTY, INC.  
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ORIGINAL FILED

MAY 19 1986

COUNTY CLERK

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Attorneys for Plaintiffs  
(continued on following page)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RACHEL HANSEN, GARY FROST,  
CAROLYN COMBS, SKYLA HICKS,  
SHERRY L. MOORE, DEBORAH  
CROSS, BARBARA MIKUCKI,  
BARBARA DAVILA,

CASE NO. CA 000 974  
PRELIMINARY INJUNCTION

Plaintiffs and  
Petitioners,

vs.

LINDA McMAHON, Director,  
California Department of  
Social Services, and  
CALIFORNIA DEPARTMENT OF  
SOCIAL SERVICES,

Defendants and  
Respondents.

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- 1 YVONNE MARIAJIMENEZ  
SAN FERNANDO VALLEY NEIGHBORHOOD  
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- 22 ELIZABETH ARNOLD  
23 CONTRA COSTA LEGAL SERVICES  
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Richmond, California 94802  
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- 26  
27  
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1 The motion of plaintiffs for a preliminary injunction  
2 came on regularly for hearing by the Court on May 12, 1986,  
3 pursuant to plaintiffs' motion for a preliminary injunction.  
4 Robert D. Newman and Melinda R. Bird appeared on behalf of  
5 plaintiffs. Ralph M. Johnson appeared on behalf of  
6 defendants.

7 Upon proof made to the satisfaction of the Court, and  
8 good cause appearing therefor,

9 IT IS ORDERED that during the pendency of this action the  
10 above-named defendants and each of them, their officers,  
11 agents, employees, representatives and all persons acting in  
12 concert or participating with them, ~~including the director of~~  
13 ~~each county department of welfare, social services and/or~~  
14 ~~children's services,~~ shall be and they are hereby enjoined and  
15 restrained from performing any of the following acts: *Enforcing &*  
16 *implementing* ~~Defining emergency shelter care in Department of Social~~  
17 ~~Services Manual of Policies and Procedures § 30-002(z)(3) and~~ *or any other*  
18 ~~rule, regulation or policy that defines emergency shelter care~~  
19 ~~§ 30-138 in a manner more restrictive than Welfare and~~  
20 Institutions Code §§ 16501 and 16504.1 so as to exclude  
21 homeless children, regardless of whether the homeless children  
22 remain with their parent(s), guardian(s) or caretaker(s).

23 IT IS FURTHER ORDERED that defendant McMahon, ~~her~~  
24 ~~successor in office, agents, assigns and employees shall~~ *within*  
25 *7 days after this preliminary injunction becomes effective, cause*  
26 *effectuate this order as follows:*  
27 *copy of the same to be mailed*  
28 ~~By issuing an All County Letter within 24 hours of~~  
~~service of this order to all county departments of welfare,~~  
~~social services and children's services in the State of~~  
~~California which contains a copy of this preliminary~~

1 ~~injunction and directs such department to do all things~~  
2 necessary to comply immediately with this Court's Order.

3 IT IS FURTHER ORDERED that the above-named defendants,  
4 and each of them, their officers, agents, employees,  
5 representatives and all persons acting in concert or  
6 participating with them, including the director of each county  
7 department of welfare, social services and/or children's  
8 services, shall comply fully with this Order within a  
9 ~~reasonable time, except as otherwise provided for herein.~~

10 IT IS FURTHER ORDERED that <sup>this</sup> ~~the~~ preliminary injunction ~~is~~  
11 ~~set forth above~~ shall <sup>become effective</sup> ~~issue~~ upon plaintiffs' posting a cash  
12 bond in the amount of \$1,000.00.

13 Dated: May 19, 1986

14 DOWDS

15 JUDGE OF THE SUPERIOR COURT  
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1                                    PROOF OF SERVICE BY HAND DELIVERY

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3                    I, Casey S. McKeever, declare:

4                    I am a resident of the County of Yolo and am over

5 the age of eighteen and not a party to the within entitled

6 action; my business address is 1900 K street, Suite 200,

7 Sacramento, California 95814.

8                    On May 20, 1986, I served the within

9 PRELIMINARY INJUNCTION

10 \_\_\_\_\_

11 \_\_\_\_\_

12 on the interested parties in said action, by delivering a true

13 copy to the following address:

14

15                    John Baine

16                    Legal Division

17                    State Department of Social Services

18                    744 P Street

19                    Sacramento, California 95814

20                    I declare, under penalty of perjury, that the

21 foregoing is true and correct.

22                    Executed this 20th day of May, 1986, at Sacramento,

23 California.

24                    Casey S. McKeever

25 CASEY S. MCKEEVER

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